

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 15-0571**

**ARMENDARIZ v. MOHAVE**

**Appellate Case Information**

Case Filed: 27-Aug-2015

Case Closed: 5-Feb-2016

Reinstated x 1: 1-Mar-2016 Dismissal

Re-Closed:

**Dept/Composition**

**Department A**

Hon. Kenton D Jones

Hon. Patricia K Norris

Hon. Paul J McMurdie

**Side 1. FRANCINE V. ARMENDARIZ, a single woman, Plaintiff/Appellant**

(Litigant Group) FRANCINE ARMENDARIZ

(See Order filed 2/5/16 dismissing Arbogast Appellants)

- Francine Armendariz
- Lance A Arbogast
- Linda Arbogast
- Wyatt Arbogast
- Kevin Arbogast
- Amy Arbogast

**Co-Counsel for: Plaintiffs/Appellant**

M E (Buddy) Rake, Jr, Esq. (AZ Bar No. 3452)

Daniel T Benchoff, Esq. (AZ Bar No. 21672)

Danel W Johnson, Esq. (CA Bar No. DanielWJohnson)

**Side 2. MOHAVE COUNTY, a political subdivision of the State of Arizona, Defendant/Appellee**

(Litigant Group) MOHAVE COUNTY

- Mohave County

**Attorneys for: Defendant/Appellee**

Kathleen L Wieneke, Esq. (AZ Bar No. 11139)

Amy Nguyen, Esq. (AZ Bar No. 23383)

Nicholas D Acedo, Esq. (AZ Bar No. 21644)

(Litigant Group) EL PASO NATURAL GAS COMPANY, LLC

(See Order filed 2/5/16 dismissing appeal from judgment in favor of El Paso Natural Gas Company, LLC)

- El Paso Natural Gas Company LLC

**CASE STATUS**

Dec 30, 2016....Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MOH S8015CV201300894	Negligence; Negligence & Premises Liability		Charles W Gurtler, Authoring Judge of Order		

**CALENDAR**

**Tuesday** MONTHLY COURT CASE CALENDAR  
**31-Jan-2017** Department A; COURTROOM 1  
 10:15 AM

**42 PROCEEDING ENTRIES**

1. 27-Aug-2015 FILED: Index of Record, Notice of Appeal from Mohave County Superior Court filed 08/24/15
2. 27-Aug-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 2-Sep-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 15-Sep-2015 RECEIPT No.: 2015-01281 ; \$280.00, Check Number: 2872, Applied to: FRANCINE ARMENDARIZ et al. - Class A Filing Fee (\$280.00) Paid for: Rake Petti & Collins PC - By Rake Petti & Collins PC
5. 21-Sep-2015 FILED: Appellee's Notice re: El Paso Appellee's Fee Due/Appellant's Brief Due
6. 22-Sep-2015 FILED: Defendant/Appellee El Paso Natural Gas Company, LLC's Notice of Payment of Appellee's Filing Fee; Certificate of Service of Defendant/Appellee El Paso Natural Gas Company, LLC's Notice of Payment of Appellee's Filing Fee
7. 24-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including signed Final Judgment filed on 9/8/15 and Amended Notice of Appeal filed on 9/21/15)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 15-0571****ARMENDARIZ v. MOHAVE****42 PROCEEDING ENTRIES**

8. 28-Sep-2015 RECEIPT No.: 2015-01343 ; \$140.00, Authorization: #68010299666, Applied to: EL PASO NATURAL GAS LLC - Class B Filing Fee (\$140.00) Paid for: Cavanagh Law Firm - By Integrated Resource Systems IN
9. 6-Oct-2015 ORDERED: On or before 10/27/15, parties shall file a memorandum of no more than 10 pages addressing whether Court has jurisdiction over this appeal. FURTHER ORDERED: vacating the 11/2/15 due date for the Opening Brief. The Court will issue an order either setting a due date for the briefing or dismissing the appeal. Melina Brill ProTem Judge - Author
10. 8-Oct-2015 FILED: Case Management Statement (Appellant)
11. 8-Oct-2015 FILED: Notice Regarding Transcript Order and Statement of Issues on Appeal; Certificate of Service (Appellant)
12. 8-Oct-2015 FILED: Notice of Settlement; Certificate of Service (Appellant)
13. 13-Oct-2015 FILED: Defendant/Appellee El Paso Natural Gas Company, LLC's Memorandum in Response to the Court's Order Re: Briefing on Jurisdiction; Certificate of Service of Defendant/Appellee El Paso Natural Gas Company, LLC's Memorandum in Response to the Court's Order Re: Briefing on Jurisdiction
14. 20-Oct-2015 RECEIPT No.: 2015-01457 ; \$280.00, Authorization: #92023117166, Applied to: FRANCINE ARMENDARIZ et al. - Overpayment Class A (\$280.00) Paid for: Rake Petti & Collins PC - By Integrated Resource Systems IN (Memo: Overpayment 2015-01281)
15. 27-Oct-2015 FILED: Appellants' Memorandum RE: Jurisdiction; Certificate of Service (Appellant)
16. 27-Oct-2015 FILED: Appellee Mohave County's Memorandum Re: Appellate Jurisdiction; Certificate of Service (Appellee)
17. 27-Oct-2015 FILED: Notice of Appearance; Certificate of Service (Appellee Mohave County)
18. 12-Nov-2015 ORDERED: dismissing appellee El Paso Natural Gas Company from this appeal. FURTHER ORDERED: Amending caption in this appeal by removing El Paso Natural Gas Company as an appellee. FURTHER ORDERED: Staying this appeal to/including 12/28/15, and revesting jurisdiction in Mohave Superior Court to consider application by appellants for a signed judgment w/ certification of finality pursuant to Rule 54 (c). FURTHER ORDERED: If superior court grants application, appellants shall file a copy of signed judgment w/in 10 days after its entry. Appeal will be automatically reinstated. FURTHER ORDERED: If appeal has not been reinstated, appellants shall file a request to continue stay or appeal as to El Paso Natural Gas company LLC may be dismissed. FURTHER ORDERED: If a signed judgment has been filed, opening brief shall be due on 1/27/16. Melina Brill ProTem Judge - Author
19. 18-Nov-2015 FILED: Letter, 11/18/2015, From Court to Rake Petti & Collins PC Re: Refund of Monies Submitted in Error
20. 4-Dec-2015 FILED: Mohave Superior Court Order filed 12/1/15 re: appointment of Conservator
21. 18-Dec-2015 FILED: Mohave Superior Court Order filed 12/14/15 re: signed judgment
22. 23-Dec-2015 FILED: Notice of Filing of Signed Judgment; Certificate of Service; Exhibit A (Appellant)
23. 15-Jan-2016 FILED: Notice of Filing of Transcript; Certificate of Service; Reporter's Transcript – 06/24/2015 - Oral Argument (Kimberly M Faehn) (Appellant)
24. 25-Jan-2016 FILED: Stipulation To Dismiss Arbogast Appellants' Appeal as to Appellee Mohave County; Certificate of Service (Appellant)
25. 26-Jan-2016 ORDERED: granting motion and dismissing appellants Lance Arbogast, Linda Arbogast, Amy Arbogast, Kevin Arbogast, and Wyatt Arbogast from this appeal, parties to bear their own costs. FURTHER ORDERED: Amending caption in this appeal by removing Lance Arbogast, Linda Arbogast, Amy Arbogast, Kevin Arbogast, and Wyatt Arbogast as appellants. Barbara Vidal Vaught ProTem Judge - Author (vacated per order filed on 1/26/16 - rsl)
26. 27-Jan-2016 FILED: Opening Brief of Plaintiff/Appellant Armandariz; Certificate of Compliance; Certificate of Service
27. 27-Jan-2016 FILED: Plaintiff's/Appellant's Appendix
28. 3-Feb-2016 FILED: Stipulation to Dismiss Appeal; Stipulation to Dismiss Appeal; Exhibit A (Appellant)
29. 5-Feb-2016 ORDERED: vacating this court's 1/26/16 order. FURTHER ORDERED: Granting stipulation to dismiss Arbogast appellants' appeal of judgment in favor of Mohave County, parties to bear their own costs and attorneys' fees. FURTHER ORDERED: Granting stipulation to dismiss all appellants' appeal from judgment in favor of El Paso Natural Gas Company, LLC, each party to bear its own costs. FURTHER ORDERED: Amending caption in this appeal by removing Lance Arbogast, Linda Arbogast, Amy Arbogast, Kevin Arbogast, Wyatt Arbogast as appellants and El Paso Natural Gas Company, LLC as appellee. Barbara Vidal Vaught ProTem Judge - Author

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 15-0571****ARMENDARIZ v. MOHAVE****42 PROCEEDING ENTRIES**

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| 30. | 5-Feb-2016  | FILED: Letter, 2/5/16, Certified Copy of Order dismissing appeal. No records to be returned to clerk, Mohave County Superior Court (vacated per order filed on 3/1/16 - rsl)     |
| 31. | 1-Mar-2016  | ORDERED: vacating terminate letter issued 2/5/16 and reinstating this appeal. Ruth Willingham - Author   |
| 32. | 7-Mar-2016  | FILED: Motion to Set Briefing Schedule; Certificate of Service (Appellee)  |
| 33. | 8-Mar-2016  | ORDERED: Motion to Set Briefing Schedule (Appellee) = GRANTED and extending deadline for filing answering brief to/including 4/13/16. Barbara Vidal Vaught ProTem Judge - Author |
| 34. | 13-Apr-2016 | FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service   |
| 35. | 13-Apr-2016 | FILED: Appellee's Appendix   |
| 36. | 2-May-2016  | FILED: Reply Brief of Plaintiff/Appellant Armendariz; Certificate of Compliance; Certificate of Service (Appellant)  |
| 37. | 2-May-2016  | FILED: Request for Oral Argument; Request for Oral Arguments (Appellant)   |
| 38. | 2-Jun-2016  | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days  |
| 39. | 9-Jun-2016  | FILED: Supplemented Superior Court e-Record with Revised Index of Record   |
| 40. | 10-Jun-2016 | ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author   |
| 41. | 30-Dec-2016 | CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 1-31-17, 10:15 am, COURTROOM 1.  |
| 42. | 3-Jan-2017  | FILED: Notice of Oral Argument   |